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Attorneys for Plaintiff MEDIATEK INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

MEDIATEK INC.

Plaintiff,

V.

FREESCALE SEMICONDUCTOR, INC.

Defendant.

**Civil Action No. 4:11-cv-05341 (YGR)
(JSC)**

**MEDIATEK INC.'S STIPULATED
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL**

Hon. Jacqueline Scott Corley

1 **NOTICE OF MOTION AND STIPULATED ADMINISTRATIVE MOTION TO FILE**
2 **DOCUMENTS UNDER SEAL**

3 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

4 **PLEASE TAKE NOTICE THAT** pursuant to Northern District of California Civil
5 Local Rules 7-11 and 79-5(d) and General Order No. 62, Plaintiff MediaTek Inc. (“MediaTek”)
6 hereby moves the Court for an Order allowing MediaTek to file under seal confidential,
7 unredacted versions of the following documents:

8 1. MediaTek’s and Freescale’s Joint Letter Brief concerning MediaTek’s Rule 30(b)(6)
9 deposition notice (“Joint Letter Brief”); and
10 2. Excerpts from the Rule 30(b)(6) deposition transcript of Joseph Circello.

11 Federal Rule of Civil Procedure 26(c) provides that good cause exists for a protective
12 order where the filing of documents would reveal “a trade secret or other confidential . . .
13 commercial information.” Items 1 and 2 above contain and/or discuss information designated by
14 Freescale as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective
15 Order entered in this case, or otherwise contain and/or discuss information that is believed to be
16 deemed confidential by Freescale. *See* Dkt. No. 100, Stipulated Model Protective Order
17 (permitting the designation of “Highly Confidential – Attorneys’ Eyes Only” for “extremely
18 sensitive ‘Confidential Information or Items,’ disclosure of which to another Party or Non-Party
19 would create a substantial risk of serious harm that could not be avoided by less restrictive
20 means”). Therefore, MediaTek has for its part established good cause to permit these documents
21 to be filed under seal. *See Fujitsu Ltd. v. Belkin Int’l, Inc.*, No. 10-CV-03972-LHK, 2012 WL
22 6019754, at *4 (N.D. Cal. Dec. 3, 2012) (“When a court grants a protective order for information
23 produced during discovery, it already has determined that ‘good cause’ exists to protect this
24 information from being disclosed to the public by balancing the needs for discovery against the
25 needs for confidentiality.”).

1 need for confidentiality.” (quoting *Phillips ex rel. Estates of Byrd v. General Motors Corp.*, 307
2 F.3d 1206, 1213 (9th Cir. 2002))).

3 Pursuant to General Order No. 62 and in accordance with the Court’s Standing Order for
4 Patent Cases, a complete, unredacted version of these documents will be served on Freescale and
5 lodged with the Court, with accompanying chamber copies, for in camera review. MediaTek
6 believes that the proposed redactions are narrowly tailored to protect Freescale’s confidential
7 information. The portions of these documents that MediaTek requests to be kept under seal have
8 been highlighted.

9
10 MediaTek accordingly files these documents under seal, and expects that, pursuant to
11 Civil Local Rule 79-5(d), Freescale will file a declaration and accompanying Proposed Order to
12 establish good cause to permit the sealing of these materials.

13
14 On July 1, 2013, Freescale stipulated to MediaTek’s filing of this Motion. Pursuant to
15 Civil L.R. 7-11 and 7-12, a signed stipulation is attached. *See* Joint Stipulation to MediaTek’s
16 Administrative Motion to File Documents Under Seal.

17
18 For the foregoing reasons, MediaTek requests that the Court enter the accompanying
19 Proposed Order granting MediaTek’s Stipulated Administrative Motion to File Documents
20 Under Seal and designate the service copies of these documents as “HIGHLY CONFIDENTIAL
21 – ATTORNEYS’ EYES ONLY.”

22
23
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25
26 Dated: July 1, 2013

Respectfully submitted,

27
28 MEDIATEK INC.

1 By their attorneys,
2
3

4 /s/ Keith L. Slenkovich
5

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34 *Attorneys for Plaintiff MEDIATEK INC.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the following documents:

1. Plaintiff MediaTek Inc.'s Stipulated Administrative Motion to File Documents Under Seal;
2. Joint Stipulation to MediaTek's Administrative Motion to File Documents Under Seal;
3. [Proposed] Order Granting MediaTek's Administrative Motion to File Documents Under Seal; and
4. MediaTek's and Freescale's Joint Letter Brief concerning MediaTek's Rule 30(b)(6) deposition notices, and exhibits thereto were served

by hand to:

Rudy Kim
Morrison Foerster
755 Page Mill Road
Palo Alto, CA 94306

and, pursuant to an agreement between the parties, upon the following individuals by electronic mail on this 1st day of July, 2013, to the following addresses:

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I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: July 1, 2013

Patricia Shore